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Wednesday, 20 April 2011, 10 a.m.

New York

President:	Mr. Osorio	(Colombia)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Wang Min
	France	Mr. Araud
	Gabon	Mr. Onanga Ndiaye
	Germany	Mr. Wittig
	India	Mr. Manjeev Singh Puri
	Lebanon	Mr. Salam
	Nigeria	Mr. Amieyeofori
	Portugal	Mr. Vaz Patto
	Russian Federation	Mr. Pankin
	South Africa	Mr. Mashabane
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. Rice

Agenda

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan (S/2011/239)

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The meeting was called to order at 10.15 a.m.

Chinese Language Day

The President (*spoke in Chinese*): As today is Chinese Language Day, I would like to convey my congratulations to the Chinese delegation.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan (S/2011/239)

The President (*spoke in Spanish*): Under rule 37 of the Council's provisional rules of procedure, I should like to invite the representative of the Sudan to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Atul Khare, Assistant Secretary-General for Peacekeeping Operations, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I would like to draw the attention of Council members to document S/2011/239, which contains the report of the Secretary-General on the Sudan.

I now give the floor to Mr. Atul Khare.

Mr. Khare (*spoke in Chinese*): Today is Chinese Language Day. I would like to begin by congratulating the Deputy Permanent Representative of the Chinese Mission to the United Nations, Mr. Wang Min, and to convey my best wishes to all Chinese-speaking people.

(*spoke in English*)

Thank you, Mr. President, for the opportunity to brief the Security Council on the situation in Sudan. The Council has before it the Secretary-General's most recent report (S/2011/239) on the United Nations Mission in the Sudan (UNMIS), outlining the Mission's activities up until 1 April and recommendations for the extension of the UNMIS mandate, which will expire on 30 April.

I would like to start my remarks today by outlining the latest developments in the Sudan, followed by updates on the post-referendum negotiations and the status of the outstanding Comprehensive Peace Agreement (CPA) provisions, before highlighting some of the key issues related to the planning for a follow-up United Nations mission in South Sudan.

During the reporting period, the successful completion of the Southern Sudan self-determination referendum was a momentous achievement. It is a testament to the commitment of the CPA parties to peace and to the courage of His Excellency President Al-Bashir and His Excellency First Vice-President Kiir. The CPA parties went to great lengths to ensure that the referendum progressed smoothly, peacefully and on time, and that its results clearly reflected the will of the Southern Sudanese people and were accepted by all.

The referendum also demonstrated how the peace and security work of the United Nations can be effective when supported by a unified and coordinated international community. The logistical and technical assistance of UNMIS and the financial support of the international partners were indispensable. Just as important was the political facilitation provided by Special Representative of the Secretary-General Menkerios and the tireless work of the staff throughout the United Nations in the Sudan.

Despite these achievements, several challenges lie ahead. Key CPA issues remain unresolved or incomplete, and if not addressed effectively could quickly undermine progress and threaten to pull the parties back into conflict.

Following the referendum, tensions in the South have risen. In particular, conflicts between the Sudan People's Liberation Army (SPLA) and a number of insurgents and militia resumed and posed a significant threat to civilians in the Jonglei, Upper Nile and Unity states.

The situation in Abyei remained volatile throughout the reporting period. The continued failure of the parties to make progress towards resolving Abyei's future status fuelled frustration and empowered hard-line elements within the Misseriya and Ngok Dinka communities and contributed to continued violence. There has, fortunately, been no significant upsurge in violence since early March, and the Kadugli agreements have contributed to containing the situation even though their full implementation remains a major challenge.

In all cases, the Mission responded through political facilitation and increased military presence. However, denial of access severely curtailed the ability of UNMIS to patrol conflict areas such as Abyei, Jonglei and Upper Nile and further deter threats against civilians.

The majority of UNMIS patrols took place across the Mission area unhindered by any deliberate restrictions to UNMIS freedom of movement. As I mentioned earlier, however, this was not the case in Abyei, Jonglei and Upper Nile, where this positive trend has been reversed. Out of a total of 221 patrols conducted in the Abyei area during the reporting period, at least 33 — or around 15 per cent — were denied, with a sizeable increase in March, when 21 cases — or 26 percent — of the 82 UNMIS patrols were denied access. More importantly, since January and despite persistent attempts, UNMIS patrols have never been able to gain access to the sites where the fighting took place, such as Makir Abior, Noong, Todach and Tajalei. In addition, UNMIS patrols have frequently been harassed, most recently in Diffra on 18 April, which has led to the non-attainment of original patrol goals. There were also overt displays of aggression towards UNMIS, for example in Goli, Diffra, Shegei and Um Khaer.

In March, due to SPLA operations against the armed militias in Upper Nile and Jonglei States, the SPLA requested that UNMIS remain out of the counties where the operation was occurring. This restriction was revoked by the SPLA in late March, but it severely hampered the ability of UNMIS to verify the military and humanitarian situation in these areas and of humanitarian actors to gain access to affected civilians. Since the lifting of the restrictions, UNMIS and the United Nations country team have been able to conduct verification and assessment missions to address the plight of the civilian population and security concerns.

To counter these restrictions, UNMIS engaged with both Governments and their military command. The issue was brought to the attention of the area joint military committees and the Ceasefire Joint Monitoring Commission, and also discussed within the Ceasefire Political Commission. In Abyei, the standing committee also discussed the problem, and it was decided that UNMIS should have unhindered access to the whole area. This has increased the Mission's mobility to some extent but restrictions remain a challenge.

We have been pleased with the cooperation between the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM), but remain concerned about the slow progress on outstanding CPA issues, such as border demarcation, Abyei, popular consultations, and the integration of SPLA North into the Sudanese Armed Forces (SAF), and on the post-referendum negotiations.

The recent round of negotiations in Addis Ababa from 9 to 11 April concluded with an agreement on a joint approach to debt management ahead of the World Bank meeting last weekend, but a number of economic questions, such as the ownership of pipelines and transitional financial arrangements for oil-revenue sharing, remain to be resolved. Equally, some progress was made on the joint management of the border, such as the establishment of a joint command mechanism to ensure the implementation of the post-referendum security arrangements and the development of a joint paper on border security, but the parties still differ on the necessity of third party involvement.

In this context, we are very concerned about the lack of progress in finding a solution to the crisis in Abyei. While the SPLM insists on an agreement on the basis of the CPA Abyei Protocol and the ruling of the Permanent Court of Arbitration, the NCP has stressed the importance of equal participation by the Misseriya in a referendum. Abyei remains a flashpoint that has the potential to further escalate and damage the relationship between the North and the South. In this regard, UNMIS has recorded a sizeable military build-up in the area on both sides. We are also concerned that, due to the continued obstruction of migration in the central corridor, migration-related conflict cannot be ruled out.

Due to these disagreements, there is a possibility that the residual CPA issues will not be solved or that the post-referendum negotiations will not be concluded by 9 July. The popular consultations in Blue Nile state are lagging behind and have not started in Southern Kordofan, pending the state elections. Furthermore, the physical demarcation of the border has not yet commenced, and the integration of the SPLA troops in the two areas has not been resolved, creating a potential security threat. It is our view that third party engagement will remain necessary to bring the CPA to

a satisfactory conclusion and to further support the AU High-Level Implementation Panel in its efforts to negotiate a post-referendum package.

The popular consultations in Blue Nile and Southern Kordofan states are vital to the development of peaceful North-South relations and the North's own adjustment in the post-CPA period. It is of the utmost importance to ensure credible popular consultations in Blue Nile and South Kordofan states and that the parties commit themselves to mechanisms to implement their results beyond the CPA's interim period.

We are concerned about the security risks relating to the integration of the SPLA from Blue Nile and Southern Kordofan states into the SAF, especially pending progress on the popular consultations process. These troops, located on the border with Unity and Upper Nile states, insist that their political grievances be adequately addressed in the popular consultations, and await their outcome and implementation before agreeing to any formal agreement on their integration.

Furthermore, the upcoming elections in Southern Kordofan, which are to commence on 2 May, are of importance to both parties, and the increase in violence is of great concern to us. The NCP-SPLM partnership has been a stabilizing factor over the past two years, but since this election will influence Southern Kordofan's political balance of power, the rhetoric of the election campaign has been increasingly aggressive. As a result, on 13 April, four predominantly Nuba villages within the locality of Al-Rashad, 200 kilometres north-east of Kadugli, were targeted by violence, resulting in the death of 19 persons, including three children, four women and 12 men, and the injury of 29, including three women.

Conflicts between the SPLA and insurgents pose a significant threat to civilians in Jonglei, Upper Nile and Unity states. Several issues are at stake here: first, disgruntled high-level officers of the SPLA who do not see eye to eye with the SPLM leadership; secondly, Southern militia leaders — such as Murle and Shilluk — whose local grievances have not been addressed; and finally, Southerners who fought within the Sudanese Armed Forces but want to be integrated into the SPLA. The Government of Southern Sudan will need to take concrete measures to address ethnic tensions, mismanagement, political and social marginalization, economic development and governance, especially in rule of law institutions.

The integrated technical and operational planning team of the United Nations has completed its report, which is being considered at Headquarters now. As part of the planning process, there has been continual engagement through the Integrated Mission Task Force to ensure that the Department of Peacekeeping Operations has full awareness of the needs and objectives of other departments, funds, agencies and programmes in the post-9 July period.

The outcome of this work has been the development of a broad mission concept, a concept for the military and police component, and an initial draft of a mission support concept. These concepts have informed a paper for the consideration by the Policy Committee chaired by the Secretary-General when it meets some time around 26 April. The Secretary-General's recommendations will then be outlined in a special report that will be issued for the Council's consideration in mid-May.

The President (*spoke in Spanish*): I thank Mr. Khare for his briefing.

I now give the floor to the Permanent Representative of the Sudan.

Mr. Osman (Sudan) (*spoke in Arabic*): At the outset, I wish to congratulate you most sincerely, Sir, on your assumption of the presidency of the Security Council for this month. I also thank you for your ongoing coordination efforts during Colombia's membership of the Council.

We are all aware of the significance of today's deliberations, especially for the Sudan. In particular, the report of the Secretary-General before the Security Council (S/2011/239) is the penultimate report on the implementation of the Comprehensive Peace Agreement (CPA) and the mandate of the United Nations Mission in the Sudan (UNMIS). The interim period will end in just over two months. This is the most decisive, crucial and sensitive period for the two parties to the CPA. During that time, they will have to redouble their efforts in order to reach political settlements on outstanding issues, so as to achieve the primary goal of the CPA, namely, the establishment of lasting peace and security in both the North and the South.

The report of the Secretary-General sheds light on numerous political developments during the reporting period. Chief among those is the completion of the referendum in a safe, fair and transparent manner, as has been communicated to the Council by Mr. Benjamin Mkapa, head of the United Nations panel tasked with monitoring the referendum. However, the referendum is not an end in itself. We have reached the point where we must conclude the implementation of the CPA, not just by resolving outstanding issues but also by initiating arrangements to enhance integration between the North and South following separation.

Our desire in the North to promote fraternal relations, in particular with the nascent State in the South, was illustrated by the historic statement delivered by our President during his visit to Juba prior to the referendum, as well as by his statement to the Cabinet at the time of the referendum's endorsement. Once again, I wish to stress here that the principles and guidelines declared by Sudan's President constitute both our platform and our approach to addressing post-referendum arrangements, including on the issues of citizenship, debt, assets, water, international instruments, security, economic arrangements, the demarcation of the border and the situation in Abyei — in spite of the thorny nature of those issues and the time they require. We have reiterated many times here in the Council that we would like — and are in fact eager — to provide assistance to the nascent State in the South, for we understand that security there also means security for the North.

In its section on Abyei, the report of the Secretary-General sheds light on many developments experienced in the region during the reporting period. Paragraph 17 refers to the 13 January Kadugli agreement between the Misseriya and Ngok Dinka tribes, as well as to the 17 January agreement between the Ministers of the Interior of the two parties to the CPA. Those agreements provide for arrangements to find solutions to disputes. If the two parties adhere to them, those arrangements will bring about an end conflict. The agreements also provide for the deployment of two additional Joint Integrated Unit battalions, while withdrawing all Southern-affiliated police units. However, clashes flared up once again when Misseriya tribe members were prevented from taking their herds to water sources.

No one can argue that addressing security issues and concerns will ever substitute for a comprehensive political settlement on Abyei. As the Council is aware, the Government of the Sudan has continued to positively address the proposals on the situation and status of Abyei provided by the facilitators and mediators, as they represent members of the Council. Those include the framework proposals submitted by Mr. Thabo Mbeki, head of the African Union High-level Implementation Panel. However, those proposals fell on deaf ears on the other side, which failed to respond positively and rejected them. In the light of the flexibility we in the North have shown, we call upon the Council today to resolve the question of Abyei. We propose that the other party should also take steps to demonstrate flexibility, in order to help the facilitators and mediators to address the problem. We would like to emphasize that we are prepared to show the necessary flexibility, taking into consideration the circumstances in the region, so as to reach a final solution to the Abyei issue.

We have followed up on the preparations for the legislative elections to be held in South Kordofan state. Those elections were among the requirements of the popular consultations provided for in the CPA. Preparations began with voter registration and the publication of candidate lists to carry out elections for the legislative council. I would like to emphasize that we in the North are committed to making progress and to continuing the preparations. I wish to reassure the Council that the elections will take place from 2 to 4 May, as scheduled. That will constitute a great stride towards completing the popular consultations. We will provide the Council with updates on developments in due course. I also wish to reassure the Council that both parties are participating in the popular consultations.

In his briefing, our friend Atul Khare referred to clashes in certain areas of Southern Kordofan. I wish to stress that those were the same kind of actions as take place in the context of competition between any two parties in preparations for elections anywhere in the world; they are not policies aimed at reigniting hostilities. They flared up, but were contained immediately.

Following elections for the Legislative Council in Southern Kordofan, we will initiate public consultations aimed at assessing public opinion in connection with the services provided by the State. This is an aspect that has already been achieved in Blue Nile State, which is a step ahead of Southern

Kordofan. Generally speaking, the popular consultations in both States are taking place in an objective manner; there are no major problems in this regard.

As noted in paragraph 42 of the report of the Secretary-General (S/2011/239), the SPLA presence in Southern Kordofan and Blue Nile States is an issue that should be discussed, investigated and addressed on the basis of the CPA — that is, those forces should be withdrawn. I wanted to provide the Council with details so that it would be aware of where the problem lies — that the SPLA has not yet withdrawn its elements from Southern Kordofan and Blue Nile States, which could have a negative impact on the popular consultations. We therefore call on the Council to send a strong message. We are not asking for condemnation, but for the Council to encourage the SPLA to implement the Comprehensive Peace Agreement, specifically on this aspect.

I would recall that the Sudanese military made a commitment to all of the aspects of the Comprehensive Peace Agreement by withdrawing all of its units and the Joint Integrated Units from Southern Sudan. SPLA redeployment from the North remains at 37 per cent. According to the report of the Secretary-General, that aspect should be addressed by the Council, as these issues are intertwined.

Regarding security developments in Southern Sudan, the report before the Council and the briefing provided by Mr. Atul Khare paint a grim picture of the situation in Southern Sudan. It can be summed up as follows: there are too many insurgent units. I could describe them as an amoeba — a kind of creature that keeps growing and growing. Every day we hear of a new instance of an insurgent battalion defecting and taking up arms against the State. I personally drew attention to this issue one month ago, when Mr. Pagan Amun participated in the meeting of the Council. However, Mr. Amun did not like my statements. I believe that this is not the right approach to tackling these issues.

We welcome the role of the United Nations and of UNMIS. We pay tribute to them for the credible information they have presented in depicting the issues and shedding light on the problems beleaguering Southern Sudan. The goal is for that nascent State to be stable, secure and deserving of international support, especially in the area of development. It should prepare and transform itself from an elitist military organization into a State that is inclusive of all the political parties in Southern Sudan. The units in question should be integrated and reached out to, not excluded, for their exclusion would mean that the nascent State had failed before even seeing the light.

I am sharing this with the Council not as an opponent of the South but as a Sudanese citizen who is truly looking forward to the stability and security of both the North and the South. I therefore wish to paint a true picture of the situation and thereby help the Council to take the right decision.

Another aspect that shows that recently there have been tremendous problems related to the SPLA is the fact that they have prevented many elements from reaching the region. They have prevented UNMIS from carrying out its humanitarian work, let alone fulfilling its military mandate.

In closing, I wish to recall what I said earlier: that this is a mushrooming phenomenon. George Athor, the insurgent SPLA General, and many others have defected and separated from the SPLA.

Regarding the recommendations on the future of UNMIS, the Mission's mandate will expire before 9 July, the date that marks the end of the interim period. Therefore, we endorse the technical and temporary extension of the UNMIS mandate until 9 July, as proposed in paragraph 111 of the report.

We are determined to intensify our consultations with our brethren in the SPLA so as to resolve all outstanding issues, including the status of Abyei. What is needed at this stage is for the international community, in particular the Security Council, to build confidence between the two parties and to support their efforts to resolve those issues. We are filled with hope that our brethren in the SPLA will understand the requirements of the forthcoming period and the daunting challenges that we will face. In that way, together we will be able to present a civilized example of two neighbouring countries sharing many common denominators in terms of history and brotherhood.

The President (*spoke in Spanish*): There are no further speakers inscribed on my list. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.55 a.m.